

1 REMARKS

2 Status of the Claims

3 Claims 1-5, 8 and 10-17 are now pending in the present application, Claim 9 having been
4 previously cancelled, Claim 6 and 7 having been currently cancelled, and Claims 1, 4, 8, 10-12,
5 and 14-15 having been amended to more clearly distinguish the subject matter over the cited art.

6 Brief Summary of Telephone Interview

7 On June 2, 2006, applicants' attorney discussed the current Office Action with Examiner Botts and
8 Primary Examiner Hutton during a telephone interview. Applicants' attorney appreciates Examiner Botts'
9 and Primary Examiner Hutton's willingness to explain their position in applying the reference when
10 rejecting applicants' claims and to move the prosecution of the case forward.

11 During the discussion, applicants' attorney pointed out that one of the novel features was recited in
12 the last step of independent Claim 1, which recites "creating a continuing association between each field
13 within each record such that each field remains associated with other fields within each record when
14 the record is manipulated, regardless of whether a user selects all of the fields within each record
15 when manipulating records within the list and regardless of whether a user identifies the list."
16 Applicants' attorney explained how in conjunction with FIGURE 6 and FIGURE 9, a last name, first name,
17 a city, and a state comprising a single record are associated with one another such that this relationship is
18 maintained when a sort is invoked, to ensure that the fields of each record are not scrambled, for example,
19 yielding a record with a last name that does not match a first name that was originally part of that record.
20 Applicants' attorney was asked as to how this was different that the sorting shown on screen pages 14
21 and 15 of cited reference Excel 2000. Applicants' attorney pointed out that the claim language was
22 amended to recite "...regardless of whether a user selects all of the fields within each record when
23 manipulating records within the list and regardless of whether a user identifies the list." However,
24 Primary Examiner Hutton and Examiner Botts indicated their belief that this step was still obvious in
25 view of the functionality currently available in the cited Excel 2000 reference.

26 Applicants' attorney also pointed out that she could not manipulate Excel 2000 such that its
27 chart object maintained a permanent association among the data points to present them on a chart as
28 the Examiner asserted in the Office Action dated 4/7/2006, page 13, last line – page 14, first line. It
29 was also pointed out that another novel feature was the user command that guides the user through
30 the process of creating the continuing association, as recited in the first step of independent Claim 1.

1 However, Primary Examiner Hutton and Examiner Botts disagreed and pointed out that they felt that
2 this user command was obvious in view of the screen shots 2-5 in the reference and that automation
3 of a manual process is obvious. Thus, no agreement was reached during the interview. Nevertheless,
4 applicants' attorney would like to again thank Examiner Botts and Primary Examiner Hutton for their time
5 and willingness to discuss these issues during the telephone interview.

6 Claims Rejected under 35 U.S.C. § 103(a)

7 The Examiner has rejected Claims 1-8 and 9-17 as being unpatentable under 35 U.S.C.
8 § 103(a) over Excel 2000™ (hereinafter "Excel"), which was published in 1999, screenshots pages 1-
9 16 and additional screenshots pages 1-5. Applicants respectfully disagree for the reasons noted
10 below.

11 In the interest of reducing the complexity of the issues for the Examiner to consider in this
12 response, the following discussion focuses on amended independent Claims 1, 8, and 10. The
13 patentability of each remaining dependent claim is not necessarily separately addressed in detail.
14 However, applicants' decision not to discuss the differences between the cited art and each dependent
15 claim should not be considered as an admission that applicants concur with the Examiner's
16 conclusion that these dependent claims are not patentable over the disclosure in the cited references.
17 Similarly, applicants' decision not to discuss differences between the prior art and every claim
18 element, or every comment made by the Examiner, should not be considered as an admission that
19 applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed,
20 applicants believe that all of the dependent claims patentably distinguish over the references cited.
21 However, a specific traverse of the rejection of each dependent claim is not required, since dependent
22 claims are patentable for at least the same reasons as the independent claims from which the
23 dependent claims ultimately depend.

24 Patentability of Independent Claim 1

25 Significant differences exist between applicants' claim recitation and Excel because Excel
26 does not appear to teach or suggest enabling the user to determine whether the list is one of a list
27 sheet or a list object. In its entirety, as amended, applicants' step (d) of independent Claim 1 recites
28 (with emphasis added):
29
30

1 (d) performing a third sequence subsequent to the second sequence, comprising
2 the steps of:

3 (i) enabling a user to create the list in a manner that determines whether
4 the list comprises one of:

5 (1) a list object, which occurs if the user inserts the list into an
6 electronic spreadsheet program worksheet, such that different data that are not part of the list object
7 can be included within a different portion of said worksheet; and

8 (2) a list sheet, which occurs if the user inserts the list into the
9 electronic spreadsheet program worksheet, such that different data that are not part of the list cannot
10 be included within said worksheet.

11 The **normal List Object**, as recited in step (b)(i) is one of two variants of a List Object
12 (applicants' specification, page 8, lines 19-20). The **normal List Object** is described "...as a
13 database table integrated into the MICROSOFT EXCEL for MAC worksheet. The **normal List**
14 **Object** occupies only a portion of the MICROSOFT EXCEL for MAC worksheet so other
15 MICROSOFT EXCEL for MAC spreadsheet data can reside simultaneously on the worksheet with
16 the List Object. **Normal List Objects** allow the user the flexibility to refer to List Object data in
17 other cells or fill List Object cells by referring to other cells outside the List Object" (see applicants'
18 specification, page 8, line 21-page 9, line 2). For example, FIGURE 2 illustrates how a user can
19 determine that the list comprises a **list object** by how data is inserted. First, the user is given the
20 option to populate the data from scratch by selecting the "NONE" button 215. In the exemplary
21 embodiment, the normal List Object is the default when the "None" button is selected. Thus, no
22 pre-existing data is to be imported into the list object, so a blank list object will be created
23 (applicants' specification, page 15, lines 4-7) such that new data can be inserted. As another
24 example, in the alternative, a user can determine that the list comprises a **list object** by selecting the
25 "On existing worksheet" item 245 as shown in FIGURE 2. "On existing worksheet" item 245
26 enables a reference window 250 for the user to input a range of cells where the List Object will be
27 located (applicants' specification, page 16, lines 22-24). The disclosure explains that since the range
28 of cells is typically less than an entire worksheet, that the List Object will occupy only a portion of
29 the worksheet and therefore, a normal List Object is created (applicants' specification, page 16,
30 line 25-page 17, line 2). Another example is shown in FIGURE 5, illustrating normal list object 500

1 that occupies rows and columns in the upper left hand corner of the worksheet 200. However, it is
2 apparent that the rest of the worksheet 200 outside of the range of the list object is useful for working
3 with other types of data. Thus, the list only resides on a portion of the worksheet, other data that is
4 not part of the list can reside simultaneously on the worksheet. Accordingly, applicants' specification
5 clearly illustrates how the user determines that the list is a list object (e.g., a normal list object 500),
6 by inserting data into an electronic spreadsheet program worksheet (i.e., worksheet 200), wherein
7 said data is included within a portion of the worksheet associated with the list (i.e. approximately
8 rows 1-8 and columns A-G as shown in FIGURE 6, or rows 1-14 and columns A-E as shown in
9 FIGURE 5) such that different data that are not part of the list **can** be included within a different
10 portion of the worksheet (e.g., in rows 9-41 as shown in FIGURE 6 or in rows 15-41 of FIGURE 5),
11 which is not associated with the list.

12 The *List Sheet*, as recited in step (d), is the second variant of a list (applicants' specification,
13 page 8, lines 19-20). The *List Sheet* turns "...the entire MICROSOFT EXCEL for MAC worksheet
14 into a database, or datasheet. The *List Sheet* transforms the entire usable range of cells on the
15 worksheet into a single List Object" (applicants' specification, page 9, lines 3-7). For example,
16 FIGURE 2 illustrates how a user can determine that the list comprises one of a *list sheet* by how data
17 is inserted and by selecting new worksheet 240. The disclosure explains that:

18 Once the user has selected where the data for the list is located, the user must
19 select where the List Object will be placed. The user has two choices where to place
20 the List Object. *First the user may place the List on a new worksheet, different from*
21 *the active worksheet currently displayed in the display area 205 by selecting the "New*
22 *worksheet" item 240. Alternatively, the user may select the "On existing*
23 *worksheet" item 245 to insert the List Object into the worksheet currently open*
24 *in the display area 205. Activating the "On existing worksheet" item 245 enables*
25 *a reference window 250, in which the user inputs a range of cells within the*
26 *current worksheet where the List Object will be located. Because the range of*
27 *cells is typically less than an entire worksheet, the List Object will occupy only*
28 *portion of the worksheet. Therefore, the List Object that is created is a normal*
29 *List Object, as opposed to a List Sheet and is treated as an individual object within*
30 *the worksheet. (Emphasis added, applicants' specification, page 16, line 15-page 17,*
line 2).

As will be apparent from the definition of a List Sheet, wherein the entire usable range of
cells on the worksheet is transformed into a single List Object (applicants' specification, page 9,
lines 3-7) and from the example of the creation of the alternative variant, the normal List Object, by

1 utilizing the "On existing worksheet" item 245 (as highlighted in bold font above), selection of "New
2 worksheet" item 240 (as highlighted in italic font above) enables insertion of data for a list that is a
3 List Sheet. Thus, applicants illustrate how the user determines that the list is a list sheet by inserting
4 data into the electronic spreadsheet program worksheet (i.e., "New worksheet" 240), so that different
5 data that are not part of the list cannot be included within a different portion of the worksheet (i.e., a
6 List Sheet has a range that encompasses the worksheets' entire used range).

7 In contrast, the Excel reference does NOT teach or suggest that a user can selectively create
8 either a List Sheet or List Object or any equivalent when inserting data into a worksheet. As shown
9 in screen shot 6 of the Excel reference, data can be imported into an existing worksheet or a new
10 worksheet. But there is no teaching that importing this data determines whether a list is being created
11 as a list sheet that precludes other data that are not part of the list from occupying the worksheet, or as
12 a list object that can share the worksheet with other data that are not part of the list, as recited by
13 applicants' claims. Accordingly, in view of the amendment to Claim 1 that clarifies this distinction
14 over the cited art, the rejection of independent Claim 1 under 35 U.S.C. § 103(a) should be
15 withdrawn.

16 Because dependent claims inherently include all of the recitation of the independent claim
17 from which the dependent claims ultimately depend, and because the art cited does not disclose or
18 suggest all of the recitation of independent Claim 1, the rejection of dependent Claims 2-5 should be
19 withdrawn because these dependent claims are patentable for at least the same reasons as Claim 1.

20 Discussion of the Patentability of Claim 8

21 Independent Claim 8 is directed towards a computer-readable medium containing computer-
22 executable instructions for displaying a plurality of dialog boxes that enable a user to graphically
23 create a list comprising a plurality of records, each record comprising a plurality of fields in a
24 spreadsheet. As amended, Claim 8 now includes the recitation pertaining to enabling the user to
25 determine whether the list is one of a list sheet or a list object, and the added language is similar to
26 the recitation of Claim 1. Thus, for the reasons given above in connection with Claim 1, Claim 8 is
27 also patentable over the cited art, and accordingly, the rejection of independent Claim 8 under
28 35 U.S.C. § 103(a) should be withdrawn because the cited art does not teach or suggest that a user
29 can determine the creation of either a List Sheet or List Object by insertion of data.
30

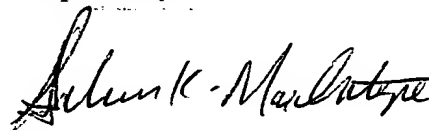
1 Discussion of the Patentability of Independent Claim 10

2 Independent Claim 10 is directed towards a user interface operable for graphically creating a
3 list comprising a plurality of records, each record comprising a plurality of fields within a
4 spreadsheet. As amended, Claim 10 now includes the recitation pertaining to enabling the user to
5 determine whether the list is one of a list sheet or a list object when creating the list and includes
6 language similar to the recitation of Claim 1. Accordingly, for the reasons given above in connection
7 with Claim 1, since the cited art does not teach or suggest all of what is recited in amended
8 independent Claim 10, the rejection of Claim 10 under 35 U.S.C. § 103(a) should be withdrawn.

9 Because dependent claims inherently include all of the recitation of the independent claims
10 from which the dependent claims ultimately depend, and because the art cited does not disclose or
11 suggest all of the recitation of independent Claim 10, the rejection of dependent Claims 11-17 should
12 be withdrawn because these dependent claims are patentable for at least the same reasons as
13 Claim 10.

14 In view of the amendments and Remarks set forth above, it will be apparent that the claims in
15 this application define a novel and non-obvious invention, and that the application is in condition for
16 allowance and should be passed to issue without further delay. Should any further questions remain,
17 the Examiner is invited to telephone applicants' attorney at the number listed below.

18 Respectfully submitted,

19 

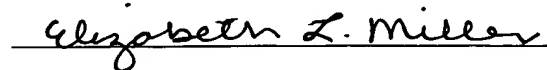
20 Sabrina K. MacIntyre
21 Registration No. 56,912
22

23 SKM/RMA:elm

24 MAILING CERTIFICATE

25 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
26 envelope as first class mail with postage thereon fully prepaid addressed to: Mail Stop RCE, Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 7, 2006.

27 Date: July 7, 2006

28 
29
30